



Washington  
Horse Racing Commission

Washington  
Department of Labor and Industries

TO: Trainers, Assistant Trainers, Grooms, Exercise Riders, Pony Riders and Owners

FROM: Washington Horse Racing Commission; and  
Washington Department of Labor and Industries

DATE: July 27, 2007

SUBJECT: Washington State workers' compensation coverage

This letter is published jointly by the Washington State Department of Labor and Industries (L&I) and the Washington Horse Racing Commission (WHRC) to serve as an informational bulletin on Washington's horseracing industry workers' compensation account (Horseracing Industry Account). It is being sent to all licensed trainers, assistant trainers, grooms, exercise riders, pony riders and owners.

Out-of-State Workers Compensation Coverage: Trainers

Licensed trainers who leave Washington to race in another state and take WHRC licensed assistant trainer(s), exercise rider(s), pony rider(s), and/or groom(s) must notify the WHRC and the Washington Horsemen's Benevolent and Protective Association (HBPA) prior to going out of state and provide the name(s) of the employee(s) you are taking. In addition, your 'business' needs to be based in Washington and the employees taken to another state must be licensed by the WHRC and must have been hired in Washington. If you hire an employee while outside Washington, you may be required to obtain workers' compensation coverage in the state you are working in for all employees you hire in another state.

Additionally, when training out-of-state, your employees will only be covered under the Horseracing Industry Account if your employees work exclusively for you and are only performing the duties for which they possess a valid WHRC license. For example, an exercise rider who also gallops for another trainer (whether the other trainer is a WHRC licensed trainer or not) will be considered an employee of the state where work is performed and will not be covered by L&I should an on-the-job injury occur. Similarly, any employee who takes a second job of any sort while working for a WHRC licensed trainer out-of-state will be denied coverage under the Washington Horseracing Industry Account.

Special Note:

*Trainers are advised to check with each state in which they work for specific requirements.*

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### Time/Payroll Cards

In Washington, licensed trainers are considered the employer in the horse racing industry. Trainers are responsible, and required by L&I, to keep accurate records of the monies paid to their employees (WAC 296-17-35201). Trainers who fail to keep such records may be audited by L&I and may be subject to fines and penalties. If an injury should occur to an employee working for a trainer, these wage records will be submitted to the department for the determination of time-loss payments.

### Special Note:

*Accurate time-loss payments made to injured workers will help control claim costs. Claim costs are used to determine the trainer's annual workers' compensation premiums paid at the time of licensing with the WHRC.*

### Assistant Trainers, Exercise Riders, Pony Riders and Grooms

Assistant trainers, exercise riders, pony riders and grooms who are licensed by the WHRC must also make sure the trainer they are working for is licensed by the WHRC and that the proper L&I premiums have been paid for your coverage. If you are working for (or getting paid by) anyone other than a WHRC licensed trainer and an injury occurs, you will not be covered under the Horseracing Industry Account. For example, if at the time an injury occurs, it is the owner and not the trainer who is paying a WHRC licensed person to exercise or break horses, the claim will be denied under the Horseracing Industry Account, even though the horses involved are listed on the stable application and may eventually be under the care of a licensed trainer. You can check with the WHRC to verify the trainer's license status.

Assistant trainers, exercise riders, pony riders and grooms are also required and responsible for keeping records of the wages paid to you from the trainer(s) who employ you. This information will be submitted to L&I for calculation of time-loss benefits to be paid to you should an injury occur.

### Out-of-State Workers Compensation Coverage: Pony Riders, Exercise Riders, Assistant Trainers, and Grooms

If you are hired by a Washington trainer, licensed by the WHRC and go out of state with that trainer, you must work only for that trainer to be covered under Washington State workers' compensation should an on-the-job injury occur in another state.

### Pony Riders - Subcontracting

It has come to the attention of L&I that there are pony riders who are contracting-out work to other pony riders (i.e. "doubles"). If you are a pony rider who contracts work out to another pony rider, (i.e., you bill trainers for horses you personally did not pony and/or you pay other pony riders to do work that you billed a trainer) you are advised that you may be considered a subcontractor. Only licensed pony riders who have directly obtained work from licensed

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trainers are covered under the Horseracing Industry Account. Any pony rider who is injured while performing services for someone other than a licensed trainer will not have his/her claim covered under the Horseracing Industry Account.

Special Note:

*If you are an owner who employs exercise rider(s), pony rider(s), groom(s), assistant trainer(s) or other persons at a farm or the racetrack, you must provide your own worker's compensation coverage for these employees. Listing the horses under a trainer's name does not constitute the trainer being the employer under the Horseracing Industry Account. If an injury occurs, a non-trainer who is paying the WHRC licensed employee is responsible for the injury either by another L&I account or personally.*

If you have any questions about workers compensation coverage please contact Jan Bentley at (360) 902-4635 - Washington State Department of Labor & Industries.

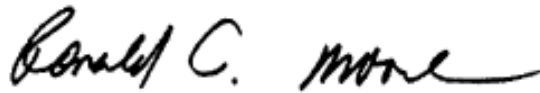
If you have any questions about a WHRC license please contact Patty Sorby at (360) 459-6462 - Washington Horse Racing Commission.

Sincerely,

Sincerely,



Robert M. Leichner  
Executive Secretary  
Washington Horse Racing Commission



Ronald C. Moore  
Program Manager, Employer Services  
Washington State Department of Labor & Industries

cc: Frank McDonald, HBPA